

REMARKS

Claims 7, 13 and 32 are currently pending in this application. Applicants amended claims 7 and 13, canceled claims 8-12 and 14-27, and added new claim 32. Applicants have also amended the Specification to correct errors in the chemical formulae recited therein. Support for the amendments can be found in canceled claims 9 and 12, and in the Specification, for example at page 3, line 19. Support for new claim 32 can be found at page 4, lines 18-20 of the Specification.

Applicants would like to thank the Examiner for a telephonic interview with Applicants' counsel on September 8, 2005. During the interview, the Examiner, the Examiner's Supervisor and Applicants' counsel discussed the rejection of claims 7-13 and the new matter objection raised by the Examiner in the Office Action.

Applicants request reconsideration of this application in view of the remarks below.

Specification

The Examiner objected to the amendment filed March 7, 2005 as introducing new matter to the disclosure.

Applicants respectfully urge that one of ordinary skill in the art would know, based on the description on page 3, lines 19 of the specification, that the intermediate cannot have the formula, $\text{P-O-CH}_2\text{-CH}_2\text{-SO}_2\text{-(CH=CH}_2\text{)}_n$, and would have recognized the typographical error in the placement of the parenthesis. Indeed, when divinyl sulfone, $\text{CH}_2\text{=CH-SO}_2\text{-CH=CH}_2$, reacts with nucleophilic hydroxyl groups of a hydrophilic biopolymer P, the resulting product biopolymer would have the nucleophilic hydroxyl groups alkylated with ethyl vinyl sulfone corresponding to $\text{P-(O-CH}_2\text{-CH}_2\text{-SO}_2\text{-CH=CH}_2\text{)}_n$. Accordingly, Applicants respectfully request withdrawal of the objection.

Rejection under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 7, 8 and 10 as failing to comply with the written description requirement.

Applicants point to the correction of the formula of the intermediate from $\text{P-O-CH}_2\text{-CH}_2\text{-SO}_2\text{-(CH=CH}_2)_n$ to $\text{P-(O-CH}_2\text{-CH}_2\text{-SO}_2\text{-CH=CH}_2)_n$ in the specification described above. Further support is provided in the specification at page 3, line 19. Accordingly, Applicants respectfully request withdrawal of the rejection.

Rejection under 35 U.S.C. § 112, first paragraph

The Examiner rejected claims 7, 8, and 10 as being indefinite. More specifically, the Examiner rejected claim 7 for lack of antecedent basis for the terms “the reaction product” and “the intermediate.” The Examiner also indicated that the phrase “and a biologically active material” in claim 7 is unclear.

Applicants have amended claim 7 to rectify these deficiencies and request withdrawal of the rejection.

Rejection under 35 U.S.C. § 102 (b)

The Examiner rejected claims 7, 8 and 10 as being anticipated by Lihme et al. (US Patent No. 5,543,332) and also by Lihme et al. (WO 93/01498).

Applicants have amended claim 7 to limit the hydrophilic biopolymer to a hyaluronan moiety and the biologically active material to alpha-interferon. As indicated in the Office Action, the biologically active conjugate of hyaluronan and alpha-interferon was examined and found to be free of prior art. See page 2, lines 5-7. In view of the above, Applicants request withdrawal of the rejection.

Applicant : Parent et al.
Serial No. : 10/611,439
Filed : July 1, 2003
Page : 6 of 6

Attorney's Docket No.: 00986-084001 / 5099

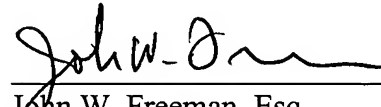
CONCLUSION

Applicants submit that claims 7, 13, and 32 as pending, define patentable subject matter and are now in condition for allowance, an action of which is requested.

Enclosed is a \$120 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney's Docket No. 00986-084001.

Respectfully submitted,

Date: 9/12/2005



John W. Freeman, Esq.
Reg. No. 29,066

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110
Telephone: (617) 542-5070
Facsimile: (617) 542-8906